IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 31717 of 2005(A)

PETITIONER:

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1. GEETHA PRABHA.N.C,
   PEEDIAKANDI HOUSE, CALICUT UNIVERSITY.P.O,
   MALAPPURAM-673 635.

2. PADMALATHA.C,
   NAMBIATTUKANDY,
   PALLICKAL.P.O, MALAPPURAM.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. UNIVERSITY OF CALICUT,
   REPRESENTED BY ITS REGISTRAR,
   CALICUT UNIVERSITY POST,
   THENHIPPALAM, MALAPPURAM.

3. THE VICE CHANCELLOR,
   UNIVERSITY OF CALICUT,
   CALICUT UNIVERSITY POST,
   THENHIPPALAM, MALAPPURAM.

GOVT.PLEADER
ASOK M.CHERIAN,SC,CALICUT UNIERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, WPC NO. 18737 OF 2006 WPC NO. 19392 OF 2006 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.31717/2005)

EXT.P1: MINUTES OF THE SYNDICATE SUB COMMITTEE OF CALICUT UNIVERSITY DT. 18/1/2001.

EXT.P2: DO. DT. 28/2/2001

EXT.P3: DO. DTL. 29/10/2005.

EXT.P4: GOVT. ORDER DT. 15/9/2004.

EXT.P5: RELEVANT PORTION OF AMENDED ORDINANCE DT. 6/10/2004.

EXT.P6: TRUE COPY OF ORDER IN WP.24366/05 DT. 17/8/2005.

A.K. Basheer, J.

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W.P(C) Nos. 31717/2005 &
18737 & 19392/2006

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Dated this the 29th day of June, 2007.

J U D G M E N T

Petitioners in WPs.18737 and 19392/2006 are working as part time Sweepers in the University of Calicut. They seek promotion to the category of full time Sweepers contending, inter alia, that the practice hitherto followed in the University was to promote part time Sweepers as Full Time Sweepers. They have also raised various other contentions in support of their plea for a direction to promote them.

2. It appears that initially the University was in favour of such a course of action and in fact the Syndicate had also passed a resolution to this effect by proposing an amendment to the relevant clauses in the First Ordinance. However it is on record that the Chancellor has expressed some reservations about the proposal and he has accordingly sent back the file to the Syndicate for further consideration of that issue. In other words, the Chancellor has not given assent to the proposal for amendment made by the Syndicate. In that view of the matter learned counsel for the petitioners in these two writ petitions seek permission to withdraw the writ petitions, with liberty to challenge the decision of the Chancellor. It is contended by the learned counsel that the order passed by the Chancellor, a copy of which is on record as Ext.R2(c), cannot stand scrutiny of law. I do not propose to deal with above contention at this stage.

In the peculiar facts and circumstances the prayer made by the

learned counsel for the petitioners to permit them to withdraw the writ petition can be allowed. Ordered accordingly. It is made clear that I have not considered the merit of any of the contentions raised in the two writ petitions . It is open to the petitioners to pursue the remedies available to them under law.

W.P.31717/2005:

The petitioners are CLR workers of the University. Their anxiety appears to be that the University may fill up the post of Sweepers by promoting part time Sweepers like the petitioners in the other two petitions without taking recourse to direct recruitment method. In view of the stand taken by the University in the light of the order passed by the Chancellor, the apprehension of the petitioners in this writ petition does not appear to be valid or tenable for the time being. However it is made clear that it will be open to them also to take recourse to the remedies available under law, if so advised, at a later stage.

A.K. Basheer
Judge.

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